

chapter S-29

BUTTER AND CHEESE SOCIETIES ACT

Repealed, 1997, c. 70, s. 1
1997, c. 70, s. 1.

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FORM

1

REPEAL SCHEDULE

DIVISION I

FORMATION OF SUCH SOCIETIES

1. *When, in any part of Québec, five or more persons have signed a memorandum that they have formed an association for the manufacture of butter or cheese, or of both, as the case may be, in a certain place which shall be designated as their principal place of business, and have transmitted three copies of the memorandum to the Inspector General of Financial Institutions, who shall deposit one copy in the register instituted under the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (chapter P-45); such persons and all such other persons as may thereafter become members of such society, their heirs, executors, curators, administrators, successors and assigns, respectively, shall be ipso facto a corporation, under the name of the “Butter (or Cheese) Manufacturing Society (or both, as the case may be) of (name of the place where the factory is situated, as mentioned in the memorandum)”.*

R. S. 1964, c. 125, s. 1; 1993, c. 48, s. 462.

1.1. *The name of a society shall be in conformity with section 9.1 of the Companies Act (chapter C-38).*

1993, c. 48, s. 463.

1.2. *The Inspector General shall refuse to deposit in the register a memorandum containing a name not in conformity with any of paragraphs 1 to 6 of section 9.1 of the Companies Act (chapter C-38).*

1993, c. 48, s. 463.

2. *A copy of the memorandum shall be transmitted by the Inspector General to the Minister of Agriculture, Fisheries and Food.*

R. S. 1964, c. 125, s. 2; 1973, c. 22, s. 22; 1979, c. 77, s. 21; 1993, c. 48, s. 464.

3. *The memorandum to be made under the provisions of this act shall, in order to constitute any butter or cheese or butter and cheese manufacturing society a corporation, be as in form 1.*

R. S. 1964, c. 125, s. 3.

DIVISION II

GENERAL POWERS AND DUTIES

4. *Every such society so formed shall, for the purposes for which it has been established, enjoy all the powers vested in ordinary corporations, especially that of choosing officers from among its members and of passing by-laws, not contrary to the laws of Québec, to determine the number of its members, the amount of its shares and the mode of levying the same, for its internal management, and for conducting its proceedings and the administration of its affairs in general.*

R. S. 1964, c. 125, s. 4.

5. *The first meeting of the shareholders of the society shall take place within the eight days following the deposit of the memorandum mentioned in section 1, after a special notice to that effect has been given to the shareholders, by at least two shareholders of the said society; such notice shall be given at least two days before the meeting for the purpose of electing officers and approving the by-laws of the society.*

The annual general meetings thereafter and all special meetings of the society shall be regulated by by-law.

R. S. 1964, c. 125, s. 5.

6. *A book shall be kept by each society for entering subscriptions to shares, and another for entering in detail all the transactions of the society.*

R. S. 1964, c. 125, s. 6.

7. *Each of such books and the by-laws shall be constantly open to the inspection of the members of the society.*

R. S. 1964, c. 125, s. 7.

8. *During the month of December in each year, a statement of its operations for the year shall be forwarded to the Minister of Agriculture, Fisheries and Food, by each society formed under this act.*

R. S. 1964, c. 125, s. 8; 1973, c. 22, s. 22; 1979, c. 77, s. 21.

DIVISION III

PENAL PROVISIONS AND CIVIL REMEDIES

1992, c. 61, s. 585.

9. *Whosoever knowingly and fraudulently sells, supplies, brings or sends to any factory, for the purpose of being made into butter or cheese, any milk mixed with water or adulterated in any way whatever, or milk from which the cream has been removed, known as skim or skimmed milk, or retains any part of such milk known as strippings; or*

Whosoever knowingly and fraudulently sells, supplies, brings or sends to any such factory any milk tainted or soured in consequence of negligence or of the uncleanness of the milk-pails, strainers or other vessels, after having been informed of such taint or impurity or of such neglect, either orally or in writing; or

Any maker or manufacturer of any cheese or butter who knowingly and fraudulently uses or causes any person in his employ to use, for his own benefit or advantage, any cream taken from milk delivered at any cheese or butter factory,—

Shall incur, for each offence, a fine of not less than \$1 nor more than \$50.

R. S. 1964, c. 125, s. 9; 1992, c. 61, s. 586.

10. *(Repealed).*

R. S. 1964, c. 125, s. 10; 1969, c. 21, s. 35; 1990, c. 4, s. 836; 1992, c. 61, s. 587.

11. *Whatever may be the result of the prosecution mentioned in section 10, and notwithstanding such prosecution, all persons who consider themselves to have been prejudiced by any infringement of the provisions of sections 9 or 10 of this act or of the provisions of any other act may take proceedings jointly before any civil court having jurisdiction, to recover the damages they have suffered.*

R. S. 1964, c. 125, s. 11.

12. *Every society formed under this act may also sue in its own name for damages suffered by it, including all damages sustained by it in its business or industry, against any person who has brought to the factory unwholesome or sour milk, or milk that has been skimmed or that has been in any way adulterated, whether such person be a member of the society or not.*

For the purposes of this section, all damages caused by any person to the patrons who are members of such society, from unwholesome or sour milk, or milk that has been skimmed or that has been in any way adulterated, having been supplied, shall be deemed to have been suffered by and shall be payable to such

society, which may sue for the recovery thereof, and shall apportion the amount recovered among its members in proportion to the quantity of milk or cream supplied by each during the time determined by the board of directors, and in the manner directed by the board.

Actions taken in virtue of this section may be instituted before any civil court having jurisdiction.

R. S. 1964, c. 125, s. 12.

DIVISION IV



This Division ceased to have effect on 17 April 1987.

13. *(This section ceased to have effect on 17 April 1987).*

1982, c. 21, s. 1; U. K., 1982, c. 11, Sch. B, Part I, s. 33.

DIVISION V

CHANGE OF NAME

1993, c. 48, s. 465.

14. *The remedy provided for in section 123.27.1 of the Companies Act (chapter C-38), adapted as required, shall apply in respect of the name of a society.*

1993, c. 48, s. 465.

FORM

1

(Section 3)

Memorandum of Association

We, the undersigned,, agree to form a society, under the provisions of the Butter and Cheese Societies Act (Revised Statutes of Québec, chapter S-29), for the manufacture of butter (or cheese or of both) which shall be called “The Butter (or Cheese, or Butter and Cheese) Manufacturing Society, of (name of the local municipality)”, with its principal place of business at the following address: ..., and we bind ourselves to abide by all the rules and by-laws of the said society.

(Signatures)

R. S. 1964, c. 125, form 1; 1993, c. 48, s. 466; 1996, c. 2, s. 937.

REPEAL SCHEDULE

In accordance with section 17 of the Act respecting the consolidation of the statutes (chapter R-3), chapter 125 of the Revised Statutes, 1964, in force on 31 December 1977, is repealed effective from the coming into force of chapter S-29 of the Revised Statutes.

